

Senate Bill 305

By: Senators Shafer of the 48th, Pearson of the 51st, Heath of the 31st, Thomas of the 54th and Mullis of the 53rd

AS PASSED

AN ACT

To amend Article 2 of Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to organization and administration of emergency management, so as to revise a provision relating to the licensing of nongovernmental rescue organizations; to provide a short title; to amend Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to torts in general, so as to revise certain provisions relating to liability of persons and entities in emergency situations; to provide immunity from liability for manufacturers for a defective product under certain circumstances; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Corporate Good Samaritan Act of 2008."

SECTION 2.

Article 2 of Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to organization and administration of emergency management, is amended by revising subsection (a) of Code Section 38-3-36, relating to the director licensing nongovernmental rescue organizations, as follows:

"(a) Except as otherwise provided by subsection (b) of this Code section, all nongovernmental rescue organizations, associations, groups, teams, search and rescue dog teams, or individuals, whether or not they are holders of a charter issued by this state or officers thereof, shall be prohibited from performing any rescue or emergency management type activity until the organization, association, group, team, search and rescue dog team, or individual has been licensed by the director of emergency management to perform the activities. It is expressly declared that Articles 1 through 3 of this chapter shall not amend, repeal, alter, or affect in any manner Code Section 51-1-29 or Code Section 51-1-29.2."

SECTION 3.

Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions concerning torts, is amended by revising Code Section 51-1-29.2, relating to liability of persons acting to prevent, minimize, and repair injury and damage resulting from catastrophic acts of nature, as follows:

"51-1-29.2.

(a) Any natural person who voluntarily and without the expectation or receipt of compensation provides services during a state of emergency and in a place of emergency as declared by the Governor working in coordination with and under the direction of the Georgia Emergency Management Agency or an appropriate state agency consistent with their role under the Georgia Emergency Operations Plan for the benefit of any individual to prevent or minimize injury to persons or damage to property resulting from catastrophic acts whether natural or manmade, including fire, flood, earthquake, wind, storm, or wave action, biological, chemical, or nuclear agents, terrorism, pandemics, or epidemics, shall not be liable to any individual receiving such assistance as a result of any act or omission in rendering such service if such person was acting in good faith and unless the damage or injury was caused by the willful or wanton negligence or misconduct of such person.

(b) Any private for profit or nonprofit association, organization, or other legal entity, and any officer, member, volunteer, or employee of such entity when such entity is working in coordination with and under the direction of the Georgia Emergency Management Agency or an appropriate state agency consistent with their role under the Georgia Emergency Operations Plan during a state of emergency and in a place of emergency as declared by the Governor that voluntarily and without the expectation or receipt of compensation provides services or goods for the benefit of any individual to prevent or minimize injury to persons or damage to property resulting from catastrophic acts whether natural or manmade, including fire, flood, earthquake, wind, storm, or wave action, biological, chemical, or nuclear agents, terrorism, pandemics, or epidemics, shall not be liable to any individual receiving such assistance as a result of any act or omission in rendering such service if such entity or person was acting in good faith and unless the damage or injury was caused by the willful or wanton negligence or misconduct of such entity or person.

(c) Any person or private entity acting in cooperation with and under the direction of the Georgia Emergency Management Agency or other state or local agency, adopted by the Georgia Emergency Management Agency, who voluntarily and without the expectation or receipt of compensation provides services or goods in preparation for a possible state of

emergency or participates in an exercise drill consistent with the person's or entity's role under such plan shall not be liable to any individual as a result of any act or omission in rendering such services or goods if such person or entity was acting in good faith and unless the damage or injury was caused by the willful or wanton negligence or misconduct of such person or entity.

(d) Nothing in this Code section shall be construed to repeal, alter, or limit in any manner any other provision of law granting immunity or limiting liability. Furthermore, nothing in this Code section shall be construed to abrogate any state or local entity's sovereign immunity."

SECTION 4.

Said chapter is further amended in Code Section 51-1-11, relating to when privity is required to support an action, product liability actions, and time limitation therefor, by adding a new subsection to read as follows:

"(d) A manufacturer shall not be held liable for the manufacture of a defective product based on theories of market share, enterprise, or other theories of industry-wide liability. A manufacturer of a product alleged to be defective shall not be held liable for a public nuisance based on theories of market share, enterprise, or other theories of industry-wide liability."

SECTION 5.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and shall apply to causes of action arising on or after such date.

SECTION 6.

All laws and parts of laws in conflict with this Act are repealed.